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FILED

March 25, 2011

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	ADMINISTRATIVE ACTION
OR REVOCATION OF THE LICENSE OF	:	
	:	
VICTOR TAURO, M.D.	:	CONSENT ORDER
LICENSE NO. 25MA04639300	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
<u>IN THE STATE OF NEW JERSEY</u>	:	

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon its receipt of a patient complaint alleging indiscriminate prescribing of controlled dangerous substances by Victor Tauro, M.D. ("Dr. Tauro"). As part of its investigation, Dr. Tauro was directed to appear and testify before a Preliminary Evaluation Committee of the Board on February 17, 2010 regarding his care, treatment, and prescribing practices for six patients.¹

¹The patients will be referred to by their initials-R.L., W.O., L.B., J.F., R.F., L.G.-to protect their confidentiality. The patients' identity have been made known to Respondent and the Board.

CERTIFIED TRUE COPY

From the aforementioned testimony and review of the six patient records, the Board found that Dr. Tauro failed to formulate and follow a treatment plan to manage his prescribing of Controlled Dangerous Substances and his patients' medical conditions, including diabetes, generalized anxiety disorder and depression. These findings combined with poor record-keeping practices caused the Board to have serious concerns about Dr. Tauro's overall ability to practice medicine, specifically his overall medical competence, his prescribing of medications, and his record-keeping abilities.

The Board finds Dr. Tauro's care, treatment and prescribing practices for these six patients constitute grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(c), (d), (m) and (h), specifically N.J.A.C. 13:35-7.6 and N.J.A.C. 13:35-6.5. These findings are sufficient to support the disposition herein.

Dr. Tauro, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board finding the within disposition to be adequately protective of the public health, safety, and welfare, and for other good cause shown, and all parties agreeing to the terms of this Order;

IT IS on this 25 day of March, 2011,

ORDERED:

1. Victor Tauro's, M.D., license to practice medicine and surgery in the State of New Jersey is hereby suspended for a period of two years. This two year period of suspension shall be stayed and served as a period of probation conditioned upon Dr. Tauro's compliance with the provisions enumerated in this Order.

Evaluation and Assessment

2. Victor Tauro, M.D. ("Dr. Tauro") will promptly undergo a full evaluation and assessment at the Upstate NY Clinical Competency Center-Albany Medical College ("Albany").

3. Dr. Tauro agrees to contact Albany within thirty days to schedule an evaluation and assessment by Albany's Professional Medical Competency Assessment Program. Dr. Tauro shall provide the Board and the Attorney General with documentation confirming the scheduling of this evaluation and assessment. Dr. Tauro shall complete his evaluation with Albany within three months of the scheduled appointment.

4. Dr. Tauro will fully and satisfactorily complete the entirety of any recommendations Albany may make with regard to practice restrictions, monitoring, and/or educational programs. For purposes of this Consent Order, full and satisfactory completion shall mean:

i. Dr. Tauro has fully complied with all of the requirements of the evaluation and assessment, as well as, any

recommendations made by Albany following the evaluation and assessment;

ii. Albany has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Tauro has satisfactorily and fully completed any recommendations it made with regard to practice restrictions, monitoring, and/or educational programs; and

iii. Albany has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Tauro has the knowledge base to practice medicine with reasonable skill and safety.

5. If Dr. Tauro fails to substantially comply with the terms of this Consent Order or Albany's recommendations or requirements with regard to an evaluation and assessment, practice restrictions, monitoring, and/or educational programs, such conduct shall be deemed to constitute professional misconduct in violation of N.J.S.A. 45:1-21(e). In that event, the Attorney General or the Board may commence a disciplinary proceeding seeking, among other things, the suspension of Dr. Tauro's license to practice medicine.

6. The Board and the Attorney General will have full and complete access to any communications between Dr. Tauro and Albany, and will have full and complete access to any reports, recommendations or evaluations issued by Albany or by any consultant that Albany recommends, including but not limited to the

release of the assessment and evaluation report and any medical or neuropsychological evaluations. Dr. Tauro hereby authorizes Albany to provide copies of any recommendations, evaluations, or reports to the Board and the Attorney General simultaneously with their provision to Dr. Tauro. In addition, the Board, its agents and employees, including but not limited to the Medical Director of the Board, may communicate directly with Albany from time to time with regard to Dr. Tauro's participation in any evaluation or assessment, monitoring plan, or educational program.

7. Dr. Tauro specifically acknowledges that any recommendations, evaluations, or reports issued by Albany may be introduced as a matter of public record during the course of any future disciplinary proceedings.

8. The Attorney General and the Board may provide to Albany whatever information they may possess with regard to Dr. Tauro. Such submissions may include the record of the proceedings before the Preliminary Evaluation Committee on February 17, 2010 and the medical records. Dr. Tauro's counsel shall be informed of the materials the Board and the Attorney General submit to Albany. Said release of the record by the Board or the Attorney General shall not entitle any member of the public to a copy of said documents to the extent they are confidential pending final disposition of the Board's investigation pursuant to N.J.S.A. 45:1-36.

9. Dr. Tauro shall be solely responsible for whatever costs are associated with his participation in any evaluation or assessment by Albany, and his compliance with any recommendations or requirements set forth by Albany.

Monitoring of Practice

10. Until Dr. Tauro's evaluation and assessment by Albany is complete and received by the Board, a Board-approved monitor shall review five of Dr. Tauro's patient records per month.

11. The monitor must be approved in advance by the Board and shall be Board-certified in Internal Medicine and licensed in this State. The monitor must not be a relative of Dr. Tauro. In addition, the monitor must not be someone with whom he has or had a supervisory or financial relationship. Dr. Tauro shall promptly submit to the Board a curriculum vitae of the proposed monitor, along with his/her signed acknowledgment that he/she read this Consent Order and agrees to accept the responsibilities as set forth herein. Approval of the monitor is at the sole discretion of the Board but shall not be unreasonably withheld.

12. The monitor shall independently select the patient records from a copy of Dr. Tauro's practice's daily appointment book/daily sign-in sheets for the month. Within five business days of the monitor informing Dr. Tauro which patient records were selected, he shall be responsible to provide the monitor with certified true copies of the patient records. For each patient

record selected, Dr. Tauro shall provide the entirety of the selected patient's record to the present date including, but not limited to, intake documents, examination findings, diagnostic tests ordered and results thereof, treatment rendered, and fees charged in the context of billings. If necessary, the monitor shall have unfettered access to original patient medical records.

13. The monitor shall submit monthly written reports to the Board with a copy to counsel for both parties. The report shall summarize the nature of the work reviewed and include at least the following information: each patient chart reviewed identified by patient name, type of case, accuracy and completeness of charting, and comments on the quality of professional service(s) rendered. If the patient record denotes that there was prescribing of Controlled Dangerous Substances and/or the treatment of diabetes, generalized anxiety disorder and/or depression, the monitor shall review the patient record to ascertain whether there is adequate medical justification for the treatment rendered and whether the treatment conforms to the accepted standards of practice. Dr. Tauro agrees that the monitor shall neither have nor incur any liability as a result of his/her good faith performance as a monitor.

14. The monitor shall make immediate report to the Board and counsel to both parties of any instances where he/she makes a determination that Dr. Tauro failed to materially comply with the

monitoring provisions of this Order.

15. The cost of the monitor's services shall be borne by Dr. Tauro and shall not be passed on to patients/third party payors.

16. The monitor shall comply with the requirements of HIPAA (45 CFR Parts 160 and 164) and maintain and respect the confidentiality of patients and any individually identifiable health information he/she may acquire in the necessary performance of his/her functions, and shall not make any disclosures of information concerning individual patients other than disclosures to the Board and counsel for both parties as may be necessary to comply with this Order.

17. Dr. Tauro shall attend and successfully complete a Board approved medical record-keeping course. The course shall be completed within six months of the date of entry of this Order. Dr. Tauro shall additionally be responsible to ensure that the course provider submits written confirmation to the Board, following the course, attesting that Dr. Tauro attended and successfully completed said course. "Successful completion" means that Dr. Tauro attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass. Dr. Tauro shall be entirely responsible for any and all costs or expenses relating to the course.

18. Dr. Tauro shall comply with the attached "Directives Applicable to Any Medical Board Licensee Who Is Disciplined or

Whose Surrender of Licensure Has Been Accepted", which Directives are incorporated herein by reference.

19. Failure to comply with any provision of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____
Paul T. Jordan M.D.
President

I have read the within Consent Order and agree to be bound by its terms. I understand the meaning and effect of this Order and understand that it has serious legal consequences. Consent is hereby given to the Board to enter this Order.

I hereby consent to the form and entry of the within Order.

Victor Tauro, M.D.

Neil Reiseman, Esq.

Date

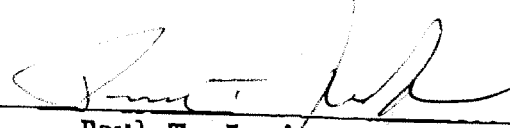
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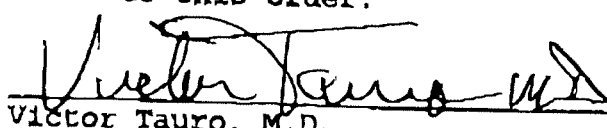
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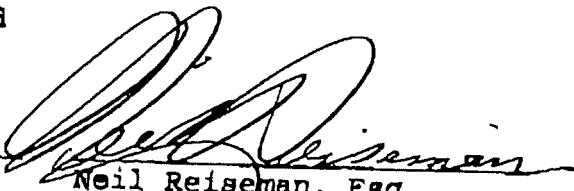
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Victor Tauro, M.D.


Neil Reisman, Esq.

Date

3/16/2011

Date

3/16/2011

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.